

The procedures for the reorganization of community college districts were substantially revised by 1990 legislation. As noted in Education Code Section 74001, the provisions of Article 1 (commencing with Section 4000) of Chapter 1 of Part 3 and Article 3 (commencing with Section 35720) of Chapter 4 of Part 21 of the Education Code must apply to actions to reorganize community college districts, as may be applicable, except that whenever any reference is made to the California Department of Education in those provisions, the reference must be deemed, for the purpose of community college district reorganization, to be the Board of Governors of the California Community Colleges.

In general the procedures for reorganization are comparable to those involving the reorganization of elementary, high, and unified school districts. School districts, county committees, county superintendents' offices/county offices of education, boards of supervisors, and the Board of Governors of the California Community Colleges are each responsible for certain phases in the reorganization procedure.

#### **A. Transfer of Territory**

Transfer of territory from one community college district to another is initiated by a petition signed by either at least 25 percent of the registered voters in the territory or a majority of the members of the governing board of each school and community college district affected. (EC 74100)

If the transfer involves a change of territory affecting less than 5 percent of the adult population of the school district for which the transfer is being made, the petition may be transmitted by the county superintendent directly to the county board of supervisors and is effective without further review. This procedure may not be used more than once every five years. (EC 74104)

The committee must analyze the petition and hold one or more public hearings. The governing board of the community college district to which the territory is to be transferred must consent to the transfer. If the committee approves the petition, it must transmit the petition and information thereon to the Board of Governors of the California Community Colleges for review. (EC 74105, 74107, 74108, 74109)

#### **B. Annexation**

An annexation of territory that is not in any community college district differs from other transfers in that the petition may be signed by 25 percent of the registered voters, by a majority of the board members of the community college district, or by a majority of the members of the governing board of the high school or unified school district seeking annexation. Again, the governing board of the community college district must consent to the terms of the annexation. (EC 74130, 74131, 74137)

#### **C. Formation**

New community college districts may be formed, either from territory not now in a district or with the territory of one or more districts. The petition may be signed by 25 percent of the registered voters in the territory or by 25 percent of the voters in each of the affected existing districts or by a majority of the governing board of each community

college district and each high school or unified school district affected by the formation of the new school district. A majority of the members of the governing boards of a majority of all affected school districts must consent to all conditions for the formation of a new community college district. (EC 74150, 74151, 74156)

**D. Procedures for Districts Located Within Different Counties**

When an action to reorganize or form school districts would affect territory that is located in more than one county or that is under the jurisdiction of more than one county superintendent of schools, the proceedings to be conducted or the actions to be taken by county officers or agencies must be conducted or taken according to the provisions of Article 3 (commencing with Section 35520) of Chapter 3 of Part 21 of the Education Code. (EC 74180)

**E. Elements Critical to the Review of Proposals for Community College District Reorganization (EC 74157)**

County committees on school district organization typically review community college district proposals for the following conditions:

1. The reorganization will not result in any increased cost to the state.
2. The reorganization will not result in a reduction in state aid to community college districts not party to the petition.
3. The projected funding of each reorganized district is adequate to meet its needs for the first five years of operation.
4. The allocation of property taxes has been accurately determined and will be appropriately implemented.
5. The reorganization will not significantly affect the racial or ethnic composition of the districts affected.
6. The reorganization will not decrease educational opportunities for the residents of the districts affected.

Certain aspects of community college district proposals in prior petitions have been troublesome for county committees to address. Specifically, community colleges calculate state general apportionment revenue differently from elementary and high school districts. Also, because many community college districts cross county lines, county committees need to consider other county revenue sources and property tax distributions when evaluating the first four conditions listed above to ensure that accurate calculations have been made. County committees typically do not analyze population and student demographics information sufficiently to make an informed decision about the racial and ethnic composition of the districts affected by the reorganization. Also, county committees typically do not analyze the width and depth of a district's curriculum to make an informed decision about the educational opportunities of the college districts affected by the reorganization.

Requiring parties seeking to reorganize districts to prepare five-year educational and fiscal plans and discussing those plans in the local hearings are the most effective means by which county committees can obtain and review the information required by statute.

The approval by county committees certifies that the petition has fulfilled all six conditions listed above. *If a petition does not satisfy each of the above-mentioned six conditions, county committees should not approve the petition.* If approved, the petition is transmitted to the board of governors for review.

#### **F. Review by State Agencies**

The board of governors may hear appeals on the finding of the county committee that the proposed transfer, annexation, or formation will not adversely affect the racial or ethnic composition of the affected colleges. If it disapproves of the proposal, the board of governors must provide a written basis for its rejection. (EC 74201-74205)

#### **G. Elections and Board of Supervisors Procedures**

If the board of governors approves a proposal that results in a change in governing boards, the county superintendent of schools must call an election (EC 74230)

If approval is given pursuant to Education Code Section 74205 to a reorganization proposal that results in an increase in taxes levied on behalf of the districts involved or that requires changes in district governing boards, such as a change that results in the reapportionment of trustee areas or a change in the number of trustee areas, the county superintendent of schools, within 30 days after receiving notification pursuant to Education Code Section 74205, must call an election. The election must be called in the manner prescribed in Part 4 (commencing with Section 5000) and must be conducted at the next available regular election scheduled in the territory of districts defined in the approved proposal according to the procedures prescribed by sections 35757 to 35764, inclusive. (EC 74230) If those results are not present, the county committee action becomes effective when filed with the county board of supervisors. (EC 74250)

After the board of supervisors receives an official notification that an action to reorganize districts has been approved as provided by law, the board of supervisors must issue an order to change districts where required by the action and to establish or reestablish the boundaries of the districts affected by the action. The order must be entered in the county's record of districts.

If the action results in a change of district boundaries of the type described in Section 54900 of the Government Code, the order of the board of supervisors must include the legal description of each district changed in the action, and, immediately after making the order, the board of supervisors must cause a copy of the order and a map or plat indicating the boundaries established for each district affected by the order to be filed as required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. (EC 74250)

Education Code Section 74251 states that:

1. An action to reorganize districts is complete when the board of supervisors makes the order pursuant to Section 74250.
2. After the expiration of one year from the date of the order, the order will be conclusive evidence that the district has been legally organized, or the boundaries legally changed, as the case may be, and no suit will be maintained that questions the validity of the organization or change of boundaries.
3. For purposes of district tax revenues and governance, the order will be effective as of the beginning of the succeeding fiscal year.

## **H. Applicable Sections in the Education Code**

### **Part 46, “Community Colleges,” Chapters 1-5, “District Reorganization or Formation”**

<b>Chapter</b>	<b>Section</b>
1. Legislative Intent and Definition	74000
2. Initiation of Petition and Local Review Procedures	74100
3. Review by State Agencies	74201
4. Elections and Board of Supervisors Procedures	74230
5. Miscellaneous	74260

#### **Chapter 1. Legislative Intent and Definitions**

##### **ARTICLE 1. LEGISLATIVE INTENT AND PURPOSE**

###### **Section**

74000	Territory included within districts
74001	Application of other law

##### **ARTICLE 2. DEFINITIONS**

###### **Section**

74012	Component school district; nondistrict territory
74013	Former district
74014	Action to reorganize districts
74015	County committee
74016	“Affected districts” defined

#### **Chapter 2. Initiation of Petition and Local Review Procedures**

##### **ARTICLE 1. TRANSFER**

###### **Section**

74100	Petition; filing; number of signatures
74102	Petition; chief petitioners
74103	Petition; affidavit

- 74104 Petition; examination; circulation; minor boundary change
- 74105 Petition; county committee to hold public hearings; notice
- 74106 Petition; additions and amendments permitted; inclusion of analysis regarding rights of employees, financial impact, governance of district, and so forth
- 74107 Petition; review by district governing boards; statement of agreement required
- 74108 Petition; approval by county committee; conditions
- 74109 Petition; transmittal to board of governors; review
- 74110 Petition; rejection; notice; basis; acceptance of new petition on same territory

## ARTICLE 2. ANNEXATION

### Section

- 74130 Application of article
- 74131 Petition; number of signatures
- 74132 Petition; filing
- 74133 Petition; chief petitioners; affidavit
- 74134 Petition; examination; distribution
- 74135 Petition; additions and amendments permitted; inclusion of analysis regarding funding, racial or ethnic composition, and so forth; property tax contributions; restriction on reduction
- 74136 Petition, report, and recommendations; public comment; review
- 74137 Petition; public hearing; notice; approval or denial by governing board of receiving district; statement of agreement required
- 74138 Petition; approval by county committee; conditions
- 74139 Petition; approval by county committee; review by board of governors
- 74140 Petition; rejection by county committee; notice; acceptance of new petition on same territory

## ARTICLE 3. FORMATION

### Section

- 74150 Application of article
- 74151 Petition: filing; number of signatures
- 74152 Petition; chief petitioners; affidavit
- 74153 Petition; examination; distribution
- 74154 Petition; additions and amendments permitted; analysis regarding funding, racial or ethnic composition, and so forth; property tax contributions; restriction on reduction
- 74155 Petition, report, and recommendations; public comment; review
- 74156 Petition; public hearing; notice; approval or denial affected by governing boards; statements of agreement required

- 74157 Petition; approval by county committee; conditions
- 74158 Petition; approval by county committee; review by board of governors
- 74159 Petition; rejection by county committee; notice; acceptance of new petition on same territory

ARTICLE 4. PROCEDURES FOR DISTRICTS LOCATED WITHIN DIFFERENT COUNTIES

Section

- 74180 Applicable law

**Chapter 3. Review by State Agencies**

Section

- 74201 Adverse effect upon racial or ethnic composition; filing appeal with board of governors; time of filing; evidence; consequences of denial of appeal or rejection of county committee findings
- 74202 Board of governors' authority to make inquiries or conduct studies to validate information and recommendations of county committee; provision of information
- 74203 Petition; return for reconsideration; verification and resubmission
- 74204 Hearing on proposal; notice
- 74205 Approval or disapproval of proposal by board of governors; notice; basis of rejection to be provided in writing

**Chapter 4. Elections and Board of Supervisors Procedures**

ARTICLE 1. ELECTIONS

Section

- 74230 Approval of reorganization proposal resulting in increase in taxes or changes in district governing boards; calling of election by board of governors; conduct of election

ARTICLE 2. BOARD OF SUPERVISORS PROCEDURES

Section

- 74250 Order to change districts; issuance upon notification of approval; order to contain legal description in certain instances; filing of map or plat
- 74251 Order to change districts as completion of action to reorganize; order as conclusive evidence; effective date of order

**Chapter 5. Miscellaneous**

ARTICLE 1. TERRITORY OF DISTRICTS

Section

- 74262 Inclusion of separate territory; prohibition
- 74263 Trustee areas
- 74264 Territory within boundaries of city

ARTICLE 2. PERSONNEL IN REORGANIZED DISTRICTS

Section

- 74270 Academic employees; probationary employees; classified positions

ARTICLE 3. DISPOSITION OF RECORDS, FUNDS, PROPERTY, AND OBLIGATIONS WHEN REORGANIZED

Section

- 74280 Statement of agreement to transfer to provide for allocation of funds, property, and obligations; exceptions; determination of allocation
- 74281 Dispute resolution; arbitration; compensation and expenses
- 74284 Exchange of property tax revenues; governing law

ARTICLE 4. BONDED INDEBTEDNESS OF DISTRICTS WHEN REORGANIZED

Section

- 74290 Application of article